THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24657 OF 2005

Dt.18.11.2005

Between:

S.Vaikunta Rao … Petitioner

And

The District Collecltor, Krishna at
Machilipatnam, Krishna District and
3 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner submits that he was appointed as Fair Price Shop dealer in respect of Shop No.256, Circle-II, Vijayawada, which was granted in the year 1987, but the same was cancelled on 25.2.2002. Questioning the said cancellation order, the petitioner filed appeal, writ petition and writ appeal, which were ended in dismissal confirming the cancellation order. Thereafter, he has filed representations and finally mercy petition on 6.7.2004 and on the said mercy petition the Assistant Supply Officer, Circle-I, Vijayawada, vide proceedings in Rc.A/69/04 dated .7.2004 submitted his report to the Joint Collector, Krishna, stating that the cancelled shop of the petitioner was merged with another Fair Price Shop No.263 and the total number of cards of both shops are 673 and the petitioner being

a poor family and the whole family depends on him and his request to create a new shop by bifurcating the above shop and consider the case of the petitioner for allotment of earlier shop.

When once the Fair Price Shop dealership of the petitioner has been cancelled on merits, I am not inclined to express any opinion whether the petitioner is entitled to allot new shop by bifurcating the said shop. However, it is the prerogative of the District Collector to consider the bifurcation of the said shop and allot the same to the petitioner. Accordingly, the first respondent is directed to call for remarks from the 2nd respondent pursuant to the recommendation made by the 4th respondent in Rc.A/69/04 dated .7.2004 and take decision in accordance with law.

The writ petition is accordingly disposed of. No costs.

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(V.ESWARAIAH, J.)

18.11.2005

Note: Issue copy within one week.

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